

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Gregory Green,)	Civil Action No.: 4:20-cv-3100-RBH
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Bryan Sterling, <i>Director, South Carolina</i>)	
<i>Department of Corrections; Alfredo Mortell,</i>)	
<i>Warden, Manning Correction Institution</i>)	
)	
Defendants.)	
)	

This matter is before the Court for review of the Report and Recommendation (“R & R”) of United States Magistrate Judge Paige J. Gossett, who recommends dismissing this case with prejudice for lack of prosecution pursuant to Fed. R. Civ. P. 41(b).¹ *See* ECF No. 60.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this Court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court is charged with making a de novo determination of those portions of the R & R to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

Plaintiff has not filed objections to the R & R, and the time for doing so has expired.² In the absence of objections to the R & R, the Court is not required to give any explanation for adopting the Magistrate Judge’s recommendations. *See Camby v. Davis*, 718 F.2d 198, 199–200 (4th Cir. 1983).

¹ The Magistrate Judge issued the R & R in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.).

² Plaintiff’s objections were due by May 21, 2021. *See* ECF Nos. 60 & 61.

The Court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation’” (quoting Fed. R. Civ. P. 72 advisory committee’s note)).

Having found no clear error, the Court **ADOPTS** the Magistrate Judge’s R & R [ECF No. 60] and **DISMISSES** the claims against Defendants Sterling and Mortell *with prejudice*. The pending Motion to Dismiss filed by Defendants Sterling and Mortell [ECF No 43] is **DENIED AS MOOT**.

IT IS SO ORDERED.

Florence, South Carolina
June 9, 2021

s/ R. Bryan Harwell
R. Bryan Harwell
Chief United States District Judge